

DOCKETED

MAY 19 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Kazi H. Ali, Carlos Bonilla, James A. Christman, Sharon  
Coleman, Anthony Cook, Mary Curry, Jarrod F. Davis,  
Margaret M. Davis, William Demitro, Emiliano Escorcia,  
Cullis H. Flinn, Elios Gil, Cruz Gonzales, Eddie M. Iqbal,  
Gregory C. Jenkins, Kenneth L. Johnson, Robert E. Johnson,  
William Knerr, Andres A. Madrigal, Steven R. McDonald,  
Roberto L. Molina, Darrell Nelson, Richard R. Ross Jr.,  
Alberto M. Salas, Marco Sandoval, Rosalind Smith, David  
Todd, Victor Torres, Joyce Weathington, Doris R. West,

Plaintiffs,

v.

Chicago Transit Authority,

Defendant.

JUDGE DER-YEGHIAYAN

04C 3469

Case No.  
MAGISTRATE JUDGE ASHMAN

Judge

FILED FOR DOCKETING  
ED-7  
04 MAY 18 AM 10:42  
CLERK  
U.S. DISTRICT COURT

COMPLAINT

Plaintiffs, by their attorneys, complain of the defendant and allege as follows:

1. This is an action to recover unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201 *et. seq.* ("the Act" or "the FLSA"). Jurisdiction for this action is conferred upon this Court by 28 U.S.C. §1337.
2. Plaintiffs are residents of this judicial district and consent to the maintenance of this action. Plaintiffs' consents to the maintenance of this action are attached hereto.
3. Plaintiffs are or were employees of Defendant .
4. Defendant Chicago Transit Authority ("the CTA") is a legally independent public entity located within Cook County, Illinois.
5. The CTA is and at all times hereinafter mentioned has been an employer of plaintiffs within the meaning of §§ 3(d) and 3(e)(2)(C) of the Fair Labor Standards Act of 1938 ("Act"), as amended, 29 U.S.C. §§203(d) and (e)(2)(C), and subject to the provisions of §7 of the Act, as

amended, 29 U.S.C. §207.

6. At all times relevant herein, the CTA has been and is an enterprise engaged in commerce for purposes of §3(s)(1) of the Fair Labor Standards Act of 1938, 29 U.S.C. §203(s)(1).

7. The plaintiffs were, during some or all of the period from May 2002 to the present, non-exempt employees of the CTA within the meaning of §3(e)(2)(C) of the Act, 29 U.S.C. §203(e)(2)(C).

8. During one or more workweeks between May 2002 and the present, plaintiffs were suffered or permitted to work in excess of forty (40) hours for the CTA.

9. Each of the plaintiffs have been paid no overtime compensation of any kind for hours worked in excess of forty (40) hours in at least one workweek during the period May 2002 to the present.

10. From May 2002 to the present, the CTA has knowingly and intentionally failed and refused to pay plaintiffs any compensation of any kind for the hours they worked in excess of forty (40) hours in a workweek in violation of §§7(a) and 15(a)(2) of the Fair Labor Standards Act, as amended, 29 U.S.C. §§207(a), 215(a)(2).

11. Plaintiffs are entitled to overtime compensation of time and one-half their regular rate of pay for all hours they worked in excess of 40 in a workweek for each workweek subsequent to May 2002 pursuant to §7(a) of the Fair Labor Standards Act, as amended, 29 U.S.C. §§207(a), 215(a)(2).

**WHEREFORE**, Plaintiffs pray that judgment be entered against the Defendant as follows:

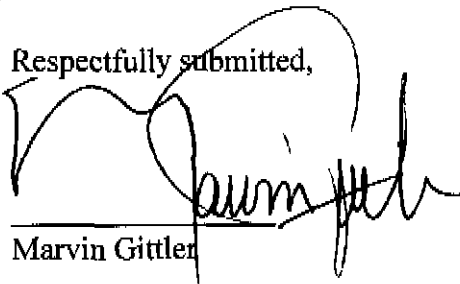
- A. A declaratory judgment finding that Defendant has violated §§7 and 15(a)(2) of the Fair Labor Standards Act, 29 U.S.C. §§207 and 215(a)(2);

- B. A judgment against Defendant for all sums which may be found to be due to plaintiffs as compensatory damages, liquidated damages, attorneys' fees and costs. 29 U.S.C. § 216.
- C. An order directing such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiffs hereby demand trial by jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marvin Gittler", is written over a horizontal line.

Marvin Gittler

Marvin Gittler  
Librado Arreola  
ASHER, GITTLER, GREENFIELD,  
& D'ALBA, LTD.  
200 W. Jackson Blvd., Suite 1900  
Chicago, Illinois 60606  
(312) 263-1500

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

Kazi H. Ali, et al.

**DEFENDANTS**

Chicago Transit Authority

**DOCKETED**

**MAY 19 2004**

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** Cook  
(EXCEPT IN U.S. PLAINTIFF CASES)

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT** Cook  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Asher, Gittler, Greenfield & D'Alba, Ltd.  
200 W. Jackson Blvd., Suite 1900  
Chicago, IL 60606  
312-263-1500

**ATTORNEYS (IF KNOWN)**

**JUDGE DER-YEGHAIYAN**  
**04C 3469**  
**MAGISTRATE JUDGE ASHMAN**

**II. BASIS OF JURISDICTION**

(PLACE AN X IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☒ 3 Federal Question  
(U.S. Government Not a Party)

☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

**P TF DEF**  
Citizen of This State ☐ 1 ☐ 1  
Citizen of Another State ☐ 2 ☐ 2  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3

**P TF DEF**  
Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4  
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5  
Foreign Nation ☐ 6 ☐ 6

**IV. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Fair Labor Standards Act, 29 U.S.C. § 201 et. seq.

**V. NATURE OF SUIT**

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 160 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Theft in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 781 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWW/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Readjustment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Deposition <input type="checkbox"/> 470 Racketeer Influenced or Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 880 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

**VI. ORIGIN**

(PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

Transferred from another district (specify)

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES ONLY IF DEMAND IN COMPLAINT:  
**JURY DEMAND** ☒ YES ☐ NO

**VIII. REMARKS**

In response to ☒ is not a refiling of a previously dismissed action  
**General Rule 2.21D(2)** this case ☐ is a refiling of case number \_\_\_\_\_

DATE

May 17, 2004

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

U.S. District Court  
FILED  
MAY 19 2004  
MAGISTRATE JUDGE ASHMAN  
JURY DEMAND  
8  
10:42  
COURT

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

EASTERN DIVISION

Kazi H. Ali, et al.,

Plaintiffs,

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Chicago Transit Authority,

Defendant.

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR

Plaintiffs, Kazi H. Ali, et al.

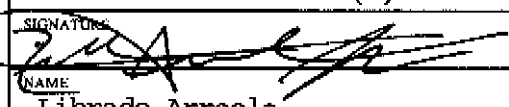
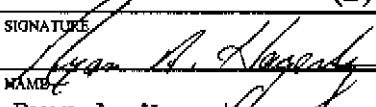
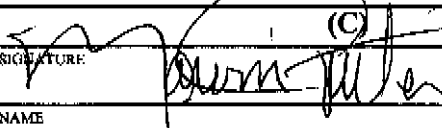
JUDGE DER-YEGHAIYAN

DOCKETED Case Number

04C 3469

MAY 19 2004

MAGISTRATE JUDGE ASHMAN

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Librado Arreola		NAME Ryan A. Hagerly	
FIRM Asher, Gittler, Greenfield & D'Alba, Ltd.		FIRM Asher, Gittler, Greenfield & D'Alba, Ltd.	
STREET ADDRESS 200 W. Jackson Blvd., Suite 1900		STREET ADDRESS 200 W. Jackson Blvd., Suite 1900	
CITY/STATE/ZIP Chicago, IL 60606		CITY/STATE/ZIP Chicago, IL 60606	
TELEPHONE NUMBER 312-263-1500	FAX NUMBER 312-263-1520	TELEPHONE NUMBER 312-263-1500	FAX NUMBER 312-263-1520
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6203323		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6275065	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(C)		(D)	
SIGNATURE 		SIGNATURE	
NAME Marvin Gittler		NAME	
FIRM Asher, Gittler, Greenfield & D'Alba, Ltd.		FIRM	
STREET ADDRESS 200 W. Jackson Blvd., Suite 1900		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60606		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-263-1500	FAX NUMBER 312-263-1520	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 00965472		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	